

T12N, R04E

Page 5 of 6

• = POD

8

← P/M

MICROFILMED

JUN 20 2001

48837

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRIS	NENE	NWNE	SWNE	SENE	NEWW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	65 8452	LINDA S JARVIS, DANIEL C JARVIS,	GROUND WATER	12N04E8								0									0
Right	65 8452	DANIEL C JARVIS, LINDA S JARVIS,	GROUND WATER	12N04E8								0									0
Claim	65 22289	MYRTLE I HERRICK TRUST,	SKUNK CREEK	12N04E8	40	26	25	13													104
Claim	65 22289	MYRTLE I HERRICK TRUST,	SKUNK CREEK	12N04E8	40	26	25	13													104
Rec	65 2944	MYRTLE I HERRICK TRUST,	SKUNK CREEK	12N04E8	40	26	25	13													104
Right	65 2944	HERRICK BROTHERS,	SKUNK CREEK	12N04E8	40	26	25	13													104
Claim	65 3712	MYRTLE I HERRICK TRUST,	SPRING	12N04E8																	0
Claim	65 3712	MYRTLE I HERRICK TRUST,	SPRING	12N04E8																	0
Right	65 3712	MYRTLE I HERRICK TRUST,	SPRING	12N04E8																	0
Rec	65 3712	MYRTLE I HERRICK TRUST,	SPRING	12N04E8																	0
Rec	65 22286	FLORENCE HERRICK FAMILY TRUST, DORSEY HERRICK FAMILY TRUST,	SPRINGS	12N04E8																	0
Claim	65 22134	RICHARD I MC CANN, JANICE K MC CANN,	UNNAMED STREAM	12N04E8						0											0
Claim	65 22287	DORSEY HERRICK FAMILY TRUST, FLORENCE HERRICK FAMILY TRUST,	UNNAMED STREAM	12N04E8					X	X											0
Claim	65 22314	FLORENCE HERRICK FAMILY TRUST, DORSEY HERRICK FAMILY TRUST,	UNNAMED STREAM	12N04E8					X												0
Claim	65 2285	HERRICK BROTHERS,	UNNAMED STREAM	12N04E8					0												0
Rec	65 22134	JANICE K MC CANN, RICHARD I MC CANN,	UNNAMED STREAM	12N04E8						0											0
Rec	65 22287	FLORENCE HERRICK FAMILY TRUST, DORSEY HERRICK FAMILY TRUST,	UNNAMED STREAM	12N04E8					X	X											0
Rec	65 22314	DORSEY HERRICK FAMILY TRUST, FLORENCE HERRICK FAMILY TRUST,	UNNAMED STREAM	12N04E8					X												0
Rec	65 4006	HERRICK BROTHERS,	UNNAMED STREAM	12N04E8																	0
Right	65 2285	DORSEY & FLORENCE HERRICK FAMILY TRUST,	UNNAMED STREAM	12N04E8					0												0
Right	65 2910	HERRICK BROTHERS,	UNNAMED STREAM	12N04E8					27												54
Claim	65 22286	DORSEY HERRICK FAMILY TRUST, FLORENCE HERRICK FAMILY TRUST,	WARM SPRINGS CREEK	12N04E8					27												54
Claim	65 4006	HERRICK BROTHERS,	WARM SPRINGS CREEK	12N04E8					0												0
Right	65 4006	HERRICK BROTHERS,	WARM SPRINGS CREEK	12N04E8					0												0
Right	65 4006	HERRICK BROTHERS,	WARM SPRINGS CREEK	12N04E8					0												0
Right	65 4006	HERRICK BROTHERS,	WARM SPRINGS CREEK	12N04E8					27												54

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T12N R4E S8 NWSE										
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
65	3712		Decreed	Active	1/1/21	0.13	SPRING	DOMESTIC, STOCKWATER	HERRICK BROTHERS (Original Owner), MYRTLE I HERRICK TRUST (Current Owner)	wrAdjudication Claim
65	3712		Decreed	Active	1/1/21	0.13	SPRING	DOMESTIC, STOCKWATER	HERRICK BROTHERS (Original Owner), MYRTLE I HERRICK TRUST (Current Owner)	wrWaterRight

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References

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[Query Tools](#)

Screen ID 546

Process: Appropriations and Transfers

Step: Pre-publication Checkhst

Water District #Water Application ID

Area of Special Admin

Review Water Uses

Comment Review

Analysis Notes

Review of Comments

Author

Subj

Date

Add

Edit

Remove Selected

Author	Subject	Date
dnelson	General Comments/An...	1/19/01 3:05:11

This application is to correct the legal descriptions for the place of use and point of diversion that was incorrectly described in the Snake River Basin Adjudication. There does not seem to be any problems with the approval of this transfer.

Save

Hide References

Next Step

Previous Steps:

Select Type of Application

Application Checklist

Application Data Entry

Screen ID 546

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JUN 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68837

This is to certify that DORSEY & FLORENCE HERRICK FAMILY TRUST
10568 HWY 55
CASCADE ID 83611

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
65-3712	WR/Decreed	01/01/1921	0.13 cfs	5.9 af		N/A	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-3712	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-3712	65-3712	0.13 cfs	5.9 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.13 cfs	5.9 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of May, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 65-3712
As Modified by Transfer No. 68837

In accordance with the approval of Transfer No 68837, Water Right No 65-3712 is now described as follows.

Right Holder: DORSEY & FLORENCE HERRICK FAMILY TRUST
 10568 HWY 55
 CASCADE ID 83611

Priority Date: 01/01/1921

Source: SPRING

Tributary: CAMP CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to 12/31		0 06 CFS	1.8 AF
STOCKWATER	01/01 to 12/31		0 07 CFS	4.1 AF
			0.13 CFS	5.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NWNESE Sec. 8 Twp 12N Rge 04E VALLEY County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
12N 04E 8	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X				

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
12N 04E 8	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X				

CONDITIONS OF APPROVAL

- 1 Use of water under this water right will be regulated by the watermaster of State Water District No. 65, Payette River.
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- 3 The quantity of water decreed for this water right is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day
- 4 Approval of Transfer 68837 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner

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1998-06-20

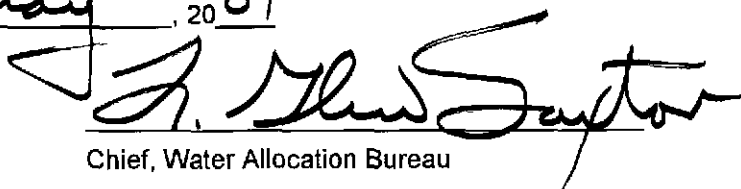
WATER RIGHT NO. 65-3712
As Modified by Transfer No. 68837

CONDITIONS OF APPROVAL

- 5 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
7. Domestic use is for 3 homes.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 24th day of May, 2001


Chief, Water Allocation Bureau

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APR 2 11 2002

(Internet)

RECEIVED

OCT 20 2000

WATER RESOURCES WESTERN REGION

WESTERN REGION
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 68837
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 30 2001

PART 1

Department of Water Resources

Name of applicant: Dorsey and Florence Herrick Family Trust Phone (208) 382-4417

Post Office address 10568 Hwy. 55 Cascade, ID 83611

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To accurately reflect historical locations of
place of use and point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-------------------|-----------------------|---------------------------------|--|
| <u>65-03712</u> | <u>1/1/1921</u> | <u>.13 cfs/5.9afy</u> | <u>Domestic/
Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred | | <u>.13cfs</u> | cubic feet per second and/or | <u>5.9afy</u> acre-feet per annum. |
| 3. Source of water | | <u>Spring</u> | tributary to | <u>Camp Creek</u> |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres _____

66837

PART 1**6 General Information:**

- a. Description of diversion system Concrete box around spring, approx. 7'x9'x4' with 2" pipe from box to house and four frost-free hydrants for stockwater.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer.

n/a

- d. Remarks:

n/a

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Page 3 of 6

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-03712

NAME AND ADDRESS: HERRICK BROTHERS
 HC 71 BOX 2161
 CASCADE, ID 83611

SOURCE: SPRING TRIBUTARY: CAMP CREEK

QUANTITY: 0.13 CFS
 5.90 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1921

POINT OF DIVERSION: T12N R04E S08 NWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 3 HOMES	01-01 TO 12-31	0.06 CFS
			1.80 AFY
	Stockwater	01-01 TO 12-31	0.07 CFS
			4.10 AFY

PLACE OF USE:	Stockwater		Within Valley County
	T12N R04E S08	NWSE	
	Domestic		Within Valley County
	T12N R04E S08	NWSE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

(See Attachment A)

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☒ Other See Attachment B**3. Source of water** _____ **tributary to** _____**4. Date of priority** _____**5. Water is used for the following purpose:**

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ **cubic feet per second and/or** _____ **acre-feet per annum.****7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

(See Attachment C)

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval

Subscribed and sworn to before me this

Flora Harris
 (Signature of Applicant)

5 day of NOV 2000

Karen
 (Signature of Notary Public)

My commission expires

7-10-03**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by _____ Date 10-20-2000

Protest filed by _____

Prelim check by _____ Fee \$100- W027087Receipted by DB Date 10-20-2000Published in Long Valley Advocate

Copies of protest forwarded by _____

Pub. dates 2-1-9-01

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd _____

by _____

Copy of transfer sent to lien holder _____

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JUN 20 2001

68837

248096
TYPE: new
LELAND HERRICK
VALLEY COUNTY RECORDER
BY: J. B. Bouch
FEE: 21.00
00 JUN 27 AM 9 12
REQUESTED BY J. B. Bouch
RECORDED J. B. Bouch

(Space above line for recording purposes)

CONVEYANCE OF WATER RIGHT

FOR AND IN CONSIDERATION of the performance of the terms of this agreement,
MYRTLE I HERRICK, individually, and as trustee of the MYRTLE I HERRICK
TRUST DATED 2/14/96, and as trustee of the MYRON L HERRICK
TESTAMENTARY TRUST (hereinafter "Sellers") and Dorsey C. Herrick and Florence
E Herrick, husband and wife, as trustees of THE DORSEY AND FLORENCE
HERRICK FAMILY TRUST (hereinafter "Buyer") hereby covenant and agree as
follows:

CONVEYANCE OF WATER RIGHT

Sellers warrant that they are the owners of, and hereby convey and grant to the
Buyer all their right, title, and interest, including any after-acquired interest, in and to
their portion of spring water right no. 65-03712 (hereinafter "the water right"), which
Sellers have historically applied to beneficial use on their land located in Valley County,
Idaho, which land is more particularly described as follows

N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 8, Township 12N, Range 4E, B.M., less that parcel of land
identified in Exhibit A, attached to this agreement

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ATTACH A1

The water right is more particularly described in a Partial Decree entered in the Snake River Basin Adjudication on August 28, 1998, which is attached as Exhibit B to this agreement and incorporated herein by reference, with the EXCEPTION that the Partial Decree contains an error in the legal descriptions of the place of use and the point of diversion. Sellers and Buyer both acknowledge and agree that the place of use for the water right has historically been, and is currently, located in the NE¼ of Section 8, Township 12N, Range 4E, B.M., and that the point of diversion has historically been, and is currently, located in the NE¼SE¼ of Section 8, Township 12N, Range 4E, B.M. and that the legal descriptions of place of use and point of diversion identified in the Partial Decree are in error. Buyer agrees, at its own expense, to take the necessary legal action to remedy the above errors and have the water right made appurtenant to the lands owned by Buyer. Sellers agree to execute any necessary documents, and otherwise act in good faith, in facilitating Buyer's efforts to correct the above errors and change the place of use of the water right to lands owned by Buyer.

CONSTRUCTION OF NEW GROUND WATER WELL

Upon execution of this agreement, Buyer agrees, at its own expense, to timely construct a domestic ground water well and pump capable of initially producing three (3) gallons per minute of potable water to serve trailer hook ups and to provide for the watering of stock and that the water from such domestic ground water well shall be appurtenant to the place of use that was previously served by Sellers' portion of the water right; provided however, that Buyer makes no warranties and shall not be liable for any subsequent failure of the pump or well to produce the quality or quantity of water aforesaid

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Sellers agree to reimburse the Buyer for any and all expenses associated with Buyer's construction of the domestic ground water well within 30 days of Sellers' default on any loan or obligation which is secured in whole or in part by the water right, including but not limited to that certain Deed of Trust dated March 9, 2000, Valley County recorder instrument no 246276, and, as a result of the default, any portion of the Sellers' interest in the water right is conveyed to an individual other than Buyer.

CHANGE IN PLACE OF USE

Upon conveyance of the water right, Buyer will divert and use the water right solely on lands owned by the Buyer.

FEES AND COSTS

The parties agree to pay their own costs and fees associated with any legal fees, document preparation costs, recording fees, and other expenses incurred by either party in this matter.

BINDING EFFECT

This agreement shall inure to the benefit of and shall bind the respective heirs, successors and assigns of the parties hereto

Myrtle Herrick
MYRTLE I. HERRICK, Individually,
Seller

Myrtle Herrick / trustee
MYRTLE I. HERRICK, as Trustee of the
MYRTLE I. HERRICK TRUST DATED 2/14/96,
Seller

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MYRTLE I. HERRICK, as Trustee of the
MYRON L. HERRICK TESTAMENTARY
TRUST, Seller

DORSEY C. HERRICK, as Trustee of THE
DORSEY & FLORENCE HERRICK FAMILY
TRUST, Buyer

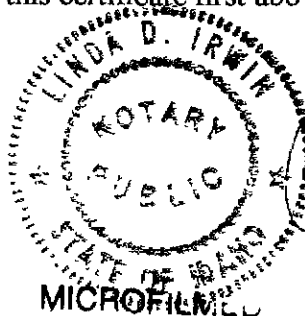
FLORENCE E. HERRICK, as Trustee of THE
DORSEY & FLORENCE HERRICK FAMILY
TRUST, Buyer

VERIFICATION

STATE OF IDAHO)
)ss
County of Valley)

On the 12th day of June 2000, before me, the undersigned, a Notary Public in and for the State, personally appeared MYRTLE I. HERRICK known to me to be the person whose name appears upon the within instrument and subscribed to same, and being by me first duly sworn, declared that she is the Trustee of the Myrtle I. Herrick Trust and the Myron L. Herrick Testamentary Trust and that she signed the foregoing instrument individually and as Trustee of the aforementioned trusts.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



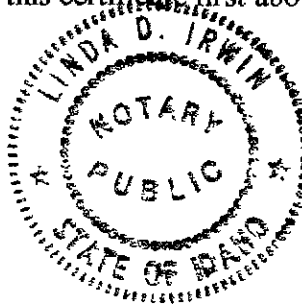
NOTARY PUBLIC FOR IDAHO
Residing at Cascade, Id.
My commission expires 4-12-2006

JUN 20 2001

STATE OF IDAHO)
)ss.
County of Valley)

On the 12th day of June 2000, before me, the undersigned, a Notary Public in and for the State, personally appeared DORSEY C. HERRICK known to me to be the person whose name appears upon the within instrument and subscribed to same, and being by me first duly sworn, declared that he is the Trustee of the Dorsey & Florence Herrick Family Trust and that he signed the foregoing instrument as Trustee of the aforementioned trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

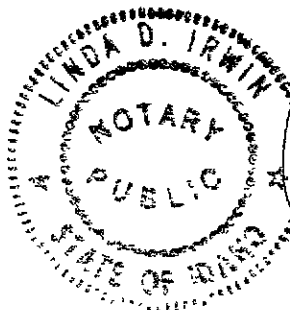


Linda D. Irwin
NOTARY PUBLIC FOR IDAHO
Residing at Cascade, Id.
My commission expires 4-12-2006

STATE OF IDAHO)
)ss.
County of Valley)

On the 12th day of June 2000, before me, the undersigned, a Notary Public in and for the State, personally appeared FLORENCE E HERRICK known to me to be the person whose name appears upon the within instrument and subscribed to same, and being by me first duly sworn, declared that she is the Trustee of the Dorsey & Florence Herrick Family Trust and that she signed the foregoing instrument as Trustee of the aforementioned trust

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



Linda D. Irwin
NOTARY PUBLIC FOR IDAHO
Residing at Cascade, Id.
My commission expires 4-12-2006

MICROFILMED

JUN 20 2001

Fodrea Land Surveys, Inc.

P.O. Box 188, Cascade, Idaho 83611
Phone (208) 382-4902

0.01 acres, Section 8, T. 12 N., R. 4 E.,
B.M., Valley County, Idaho

A parcel of land located in the N1/2 of the NE1/4 of Section 8, T. 12 N., R. 4 E., B.M., Valley County, Idaho, being more particularly described as follows:

Commencing at the north 1/4 corner of said Section 8, being a found brass cap monument, C.P.F. Inst. 174167, corner records of said Valley County; Thence a bearing of S 00° 21' 19" E, a distance of 1324.39 feet on the west boundary of said NE1/4 to a point marking the southwest corner of said N1/2 of the NE1/4; Thence a bearing of N 89° 42' 50" E, a distance of 317.41 feet on the south boundary of said N1/2 of the NE1/4 to a set 5/8 inch rebar on the easterly right-of-way boundary of State Highway 55, being the TRUE POINT OF BEGINNING.

Thence a bearing of N 89° 42' 50" E, a distance of 65.54 feet along said south boundary of the N1/2 of the NE1/4 to a point; Thence a bearing of N 76° 11' 19" W, a distance of 60.00 feet to a set 5/8 inch rebar on said easterly right-of-way boundary of State Highway 55; Thence on a curve to the left, on said easterly right-of-way boundary of State Highway 55, which curve has a radius of 11,399.16 feet and a long chord which bears S 26° 23' 49" W, a distance of 16.36 feet to the POINT OF BEGINNING.

Said described parcel of land contains 0.01 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



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JUN 20 2001

EXHIBIT

Attach A6
68837

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03712

NAME AND ADDRESS: HERRICK BROTHERS
HC 71 BOX 2161
CASCADE, ID 83611

SOURCE: SPRING TRIBUTARY: CAMP CREEK
QUANTITY: 0.13 CFS
5.90 AFT

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1921

POINT OF DIVERSION: T12N R04E S08 NWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 3 HOMES	01-01 TO 12-31	0.06 CFS 1.80 AFT
	Stockwater	01-01 TO 12-31	0.07 CFS 4.10 AFT

PLACE OF USE:	Stockwater		Within Valley County
	T12N R04E S08	NWSE	
	Domestic		Within Valley County
	T12N R04E S08	NWSE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

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JUN 20 2001

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-03712

EXHIBIT B

ATTACH A7
68837
PAGE 1
Aug-25-1998

248824
 TYPE: Deed
 L. J. HERRICK
 VALLEY COUNTY RECORDER
 BY: J. Herrick
 FEE: 21.00
 00 APR 19 PM 1 19
 REQUESTED BY Walter Herrick
 RECORDED

BARGAIN AND SALE DEED

DORSEY C. HERRICK and FLORENCE E. HERRICK, Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to THE DORSEY & FLORENCE HERRICK FAMILY TRUST, Grantee, a trust established under the laws of the State of Idaho by an agreement dated SEPTEMBER 8, 1999, of which the present Trustees are Dorsey C. Herrick and Florence E. Herrick, whose current address is 10568 Highway 55, Cascade, Idaho 83611, the following described real property, to wit:

See Schedule "A" attached hereto and incorporated herein by this reference.

Together with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

The Grantors hereby fully warrant the title to said land and will defend the same against all lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto subscribed their names to this instrument this 8 day of SEPTEMBER, 1999.

Dorsey C. Herrick

Dorsey C. Herrick

Florence E. Herrick
 Florence E. Herrick

BARGAIN AND SALE DEED - 1

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 JUN 20 2001

OFFICE COPY

ATTACH 81

68837

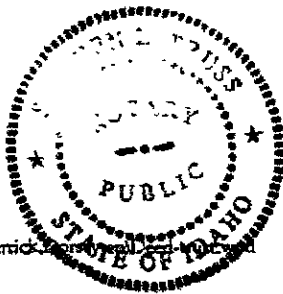
STATE OF IDAHO)

: ss.

County of Canyon)

On this 8th day of September, 1999, before me
Stephen L. Reuss, a Notary Public, personally appeared Dorsey C.
Herrick and Florence E. Herrick, husband and wife, known or identified to me to be the
persons whose names are subscribed to the within instrument, and acknowledged to me
that they executed the same.

(SEAL)



vms\Z:\Work\HHerrick

Stephen L. Reuss
Notary Public for Idaho
Commission expires: 7-30-2004

BARGAIN AND SALE DEED - 2

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JUN 20 2001

ATTACH B-2

68837

SCHEDULE "A"

PARCEL 1: (Strickland Place)

The North Half (N1/2) of the South Half (S1/2) of Section Thirty-Two (32) in Township Twelve (12) North of Range Four (4) East of the Boise Meridian, Valley County, Idaho.

(Tax Parcel #RP12N04E324805A)

PARCEL 2:

SE1/4SW1/4, Section 4, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho.

(Tax Parcel #RP12N04E046605A)

PARCEL 3:

W1/2NW1/4 in Section 8, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho.

(Tax Parcel #RP12N04E083005A)

PARCEL 4: (Smith Place)

The Southeast quarter of the Northwest Quarter (SE1/4NW1/4) and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), and Lots Three (3) and Four (4) in Section Six (6), Township 11 North, Range Four (4) East, Boise Meridian, Valley County, Idaho, together with all water rights and ditch rights thereunto belonging or anywise appertaining.

(Tax Parcel No. RP11N04E62405A)

PARCEL 5: (Homestead and across the road from house)

A parcel of land located in the N1/2 of the NE1/4 of Section 8, T. 12 N., R. 4 E., B.M., Valley County, Idaho, being more particularly described as follows: Commencing at the north 1/4 corner of said Section 8, being a found brass cap monument, C.P.F., Inst., 174167, corner records of said Valley County; thence a bearing of S 00°21'19" E, a distance of 1324.39 feet on the west boundary of said NE1/4 to a point marking the southwest corner of said N1/2 of the NE1/4; thence a bearing of N 89°42'50" E, a distance of

Schedule A

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JUN 20 2001

ATTACH B-3

68837

317.41 feet on the south boundary of said N1/2 of the NE1/4 to a set 5/8 inch rebar on the easterly right of way boundary of State Highway 55, being the TRUE POINT OF BEGINNING. Thence a bearing of N 89°42'50" E, a distance of 65.54 feet along said south boundary of the N1/2 of the NE1/4 to a point; thence a bearing of N 76°11'19" W, a distance of 60.00 feet to a set 5/8 inch rebar on said easterly right of way boundary of State Highway 55; thence on a curve to the left, on said easterly right of way boundary of State Highway 55, which curve has a radius of 11,399.16 feet and a long chord which bears S 26°23'49" W, a distance of 16.36 feet to the POINT OF BEGINNING. Said described parcel of land contains 0.01 acres, more or less, together with and subject to rights of way and easements of record and/or use.

AND

The East One-half of the Northwest Quarter, Section 8, T.12N., R.4E., Boise Meridian, Valley County, Idaho SAVE AND EXCEPT THE FOLLOWING: A parcel of land located in the NW1/4 of Section 8, T.12N., R.4E., Boise Meridian, Valley County, Idaho, more particularly described as follows: Commencing at the west 1/4 corner of said Section 8, a found aluminum monument CPF Inst., 124871, corner records of Valley County; Thence a bearing of N. 89°31'17E a distance of 2394.20 feet on the south boundary of said NW1/4 to a set 5/8 inch rebar on the easterly right of way boundary of State Highway 55, being the TRUE POINT OF BEGINNING. Thence on a curve to the right, on said right of way boundary, which curve has a radius of 11,399.16 feet, a delta angle of 1°06'44", a length of 221.28 feet, and a long chord which bears N 19°40'11" E a distance of 221.28 feet to a set 5/8 inch rebar; Thence a bearing of N 89°34'57" E a distance of 171.50 feet to a set 5/8 inch rebar on the east boundary of said NW1/4; Thence a bearing of S 0°21'19" E a distance of 207.56 feet on said east boundary to a set 5/8 inch rebar marking the center 1/4 corner of said Section 8; Thence a bearing of S 89°31'17" W a distance of 247.28 feet on said south boundary of the NW1/4 to the POINT OF

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JUN 28 2001

ATTACH 3-4

68837

BEGINNING. Said described parcel of land contains 1.00 acre, more or less, together with rights of way and easements of record and/or use.

AND

South Half of the Northeast Quarter, North Half of the Southwest Quarter of Section Eight, Township Twelve North, Range Four East, Boise Meridian, Valley County, Idaho, SAVE AND EXCEPT THE FOLLOWING:

A parcel of land located in the NE1/4 of the SW1/4 of Section 8, T.12N., R.4E., B.M., Valley County, Idaho, more particularly described as follows: Commencing at the south 1/4 corner of said Section 8, a found aluminum monument, CPF Inst. 124879, corner records of Valley County; Thence a bearing of N 0°21'19"W a distance of 1745.74 feet on the east boundary of said SW1/4 of Section 8 to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING. Thence a bearing of N 0°21'19" W a distance of 895.70 feet on said east boundary of the SW1/4 to a set 5/8 inch rebar marking the center 1/4 corner of said Section 8; Thence a bearing of S 89°31'17" W a distance of 247.28 feet on the north boundary of said SW1/4 to a set 5/8 inch rebar on the easterly right of way boundary of State Highway 55; Thence on a curve to the left, on said right of way boundary, which curve has a radius of 11,399.16 feet, a delta angle of 4°18'59", a length of 858.76 feet, and a long chord which bears S 16°57'20" W a distance of 858.55 feet to a set 5/8 inch rebar; Thence a bearing of S 2°05'33" W a distance of 76.55 feet on said right of way boundary, formerly the boundary of abandoned State Highway 15 right of way, to a set 5/8 inch rebar; Thence a bearing of N 89°31'51" E a distance of 506.02 feet to the POINT OF BEGINNING. Said described parcel of land contains 8.04 acres, more or less, together with rights of way and easements of record and or use, including an easement for the operation, maintenance, and replacement of a septic system drainfield, more particularly described as follows: Commencing at the southwest corner of said described 8.04 acre parcel being a

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FILMEL

JUN 20 2001

Attach B5

68837

set 5/8 inch rebar on the easterly right of way boundary of State Highway 55, formerly the boundary of abandoned State Highway 15 right of way; Thence a bearing of N 89°31'51" E a distance of 203.77 feet on the south boundary of said 8.04 acre parcel to the TRUE POINT OF BEGINNING. Thence a bearing of S 37°43'57" E a distance of 155.00 foot on the centerline of a 30 feet wide drainfield area to the POINT OF ENDING of said septic system drainfield easement. Said described easement contains 0.11 acres, more or less and being subject to an access easement for ingress and egress to a 5.43 acre portion of said NE1/4 of the SW1/4, more particularly described as follows: Commencing at the southwesterly corner of said described 8.04 acre parcel, being a set 5/8 inch rebar on the easterly right of way boundary of State Highway 55 and the TRUE POINT OF BEGINNING. Thence a bearing of N 2°05'33" E a distance of 76.55 feet on said right of way boundary, formerly the boundary of abandoned State Highway 15 right of way, to a set 5/8 inch rebar; Thence on a curve to the right, on said right of way boundary, which curve has a radius of 11399.16 feet, a delta angle of 0°24'18", a length of 80.56 feet, and a long chord which bears N 14°59'59" E a distance of 80.56 feet to a point; Thence a bearing of S 74°47'52" E a distance of 30.75 feet to a point; Thence a bearing of S 14°59'59" W a distance of 80.34 feet to a point; Thence a bearing of S 2°05'33" W a distance of 68.45 feet to a point on the south boundary of said 8.04 acre parcel; Thence a bearing of S 89°31'51" W a distance of 30.03 feet on said south boundary to the POINT OF BEGINNING of said access easement. Said described easement contains 0.11 acres, more or less.

AND FURTHER SAVE AND EXCEPT, A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 8, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho, more particularly described as follows: COMMENCING at the South 1/4 corner of said Section 8, a found aluminum monument, CPF Inst. 124879, corner records of Valley County; Thence a bearing of North 0 degrees 21 minutes 19 seconds West a distance of 1320.72

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Attach B6

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feet on the East boundary of said Southwest Quarter of Section 8 to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING. Thence continuing on a bearing of North 0 degrees 21 minutes 19 seconds West a distance of 425.02 feet to a set 5/8 inch rebar; Thence a bearing of South 89 degrees 31 minutes 51 seconds West a distance of 506.02 feet to a set 5/8 inch rebar on the Easterly right of way boundary of State Highway 55; Thence a bearing of South 2 degrees 05 minutes 33 seconds West a distance of 16.02 feet on said right of way boundary to a set 5/8 inch rebar; Thence on a curve to the left, on said right of way boundary, which curve has a radius of 11,379.16 feet a delta angle of 1 degree 00 minutes 01 seconds, a length of 198.66 feet, and a long chord which bears South 13 degrees 50 minutes 33 seconds West a distance of 198.66 feet to a set 5/8 inch rebar; Thence a bearing of South 13 degrees 57 minutes 08 seconds West a distance of 223.40 feet on said right of way boundary to a set 5/8 inch rebar; Thence a bearing of North 89 degrees 32 minutes 25 seconds East a distance of 610.66 feet to a set 5/8 inch rebar, which is the TRUE POINT OF BEGINNING. Said parcel contains 5.43 acres, more or less SUBJECT TO rights of way and easements of record and or use, including an easement for the operation, maintenance, and replacement of a septic system drainfield, more particular described as follows: Commencing at the Northwest corner of said 5.43 acre parcel being a set 5/8 inch rebar on the Easterly right of way boundary of State Highway 55 formerly the boundary of abandoned State Highway 15 right of way; Thence a bearing of North 89 degrees 31 minutes 51 seconds East a distance of 203.77 feet on the North boundary of said 5.43 acre parcel to the TRUE POINT OF BEGINNING. Thence a bearing of South 37 degrees 43 minutes 57 seconds East a distance of 155.00 feet on the centerline of a 30 foot wide drainfield area to the POINT OF ENDING of said septic system drainfield easement. Said described easement contains 0.11 acres, more or less. Together with all right of way, easements and appurtenances of record and of use.

AND FURTHER SAVE AND EXCEPT, A parcel of land located in the S1/2 of the NE1/4 of section 8, T. 12 N., R. 4

Schedule A

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ATTACH B7

68837

E., B.M., Valley County, Idaho, being more particularly described as follows: Commencing at the north 1/4 corner of said Section 8, being a found brass cap monument, C.P.F., Inst. 174167, corner records of said Valley County; thence a bearing of S 00°21'19" E, a distance of 1324.39 feet on the west boundary of said NE1/4 to a point marking the northwest corner of said S1/2 of the NE1/4; thence a bearing of N 89°42'50" E, a distance of 317.41 feet on the north boundary of said S1/2 of the NE1/4 to a set 5/8 inch rebar on the easterly right of way boundary of State Highway 55; thence a bearing of N 89°42'50" E, a distance of 65.54 feet on said north boundary of the S1/2 of the NE1/4 to a point being the TRUE POINT OF BEGINNING. Thence a bearing of N 89°42'50" E, a distance of 117.11 feet on said north boundary of the S1/2 of the NE1/4 to a set 5/8 inch rebar; thence a bearing of S 7°01'13" W, a distance of 28.73 feet to a set 5/8 inch rebar; thence a bearing of N. 76°11'19" W, a distance of 116.98 feet to the POINT OF BEGINNING. Said described parcel of land contains 0.04 acres, more or less together with and subject to rights of way and easements of record and/or use.

(Tax Parcel -- part of RP 12N04E08126A)

PARCEL 6: (Humphrey Place)

West Three-Quarters of the Northeast Quarter of the Northeast Quarter of Section Nine, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho.

AND

NE1/4NW1/4, Section 9, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho.

AND

NW1/4NE1/4 Section 9, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho, SAVE AND EXCEPT THE FOLLOWING: A parcel of land in the NW1/4NE1/4 of Section 9, Township 12 North, Range 4 East of the Boise Meridian, Valley County, Idaho, described as follows:

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ATTACH B-B

68837

Beginning at the NW corner of the said NW1/4NE1/4;
thence South 208 feet to a point; thence East 208 feet to a
point; thence North 208 feet; thence West 208 feet to the
Point of Beginning. Subject to road way in existence along
the West side of said parcel.

(Tax Parcel #RP12N04E090026A)

vm\Z:\Work\H\Herrick,Dorsey-ep\LegalDescrip2.wpd

Schedule A

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JUN 20 2001

ATTACH B-9

68837

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03712

NAME AND ADDRESS: HERRICK BROTHERS
HC 71 BOX 2161
CASCADE, ID 83611

SOURCE: SPRING TRIBUTARY: CAMP CREEK
QUANTITY: 0.13 CFS
5.90 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1921

POINT OF DIVERSION: T12N R04E S08 NWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 3 HOMES	01-01 TO 12-31	0.06 CFS 1.80 AFY
	Stockwater	01-01 TO 12-31	0.07 CFS 4.10 AFY

PLACE OF USE: Stockwater Within Valley County
T12N R04E S08 NWSE
Domestic Within Valley County
T12N R04E S08 NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

SRBA Partial Decree

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SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-03712

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 25, 2001

DORSEY & FLORENCE HERRICK FAMILY TRUST
10568 HWY 55
CASCADE ID 83611

RE Transfer No. 68837 - Water Right 65-3712 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Samuel S. Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

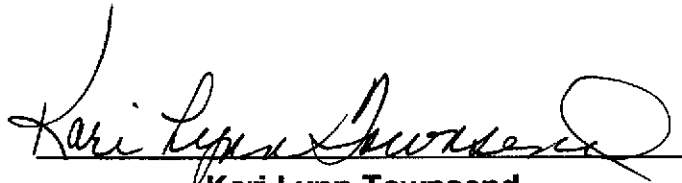
MICROFILMED
MAY 27 2001

CERTIFICATE OF MAILING

I hereby certify that on May 25, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68837 - WATER RIGHT 65-3712

**DORSEY & FLORENCE HERRICK FAMILY TRUST
10568 HWY 55
CASCADE ID 83611**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 25, 2001

MARK LIMBAUGH
WATERMASTER
102 N MAIN
PAYETTE ID 83661

RE. TRANSFER OF WATER RIGHT 65-3712 (Transfer 68837)

Dear Mark.

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 68837) in the name of Dorsey & Florence Herrick Family Trust.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUN 20 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 ~~01303~~ 01303 (Rules of Procedure 302 and 303)

JUN 20 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when.

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68837

DATE REVIEWED 5-24-01 CS

SPLIT POD ☒ ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/ 65-3712</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season NA to

Standard Volume NA /

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner per region (10) ☒ Map

(11) 65 Water District (12) Yes Pertinent Conditions (13) No Expansion
WM Comment Rev'd. 2-12-01 N11+13

(7) + (8) Changed to correct legal from SRBA Partial Decree to actual P/D + P/U
No physical change

Conditions/Remarks R04, R43, W62, W57, T07, T08

WRs for Update Comments NA

Database Updated to Reflect Final Action 5-24-01 CS

SRBA SUBCASE SUMMARY REPORT 65-03712

[Return to SRBA Home Page](#)

SRBA
05-24-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-03712 FILE#: 00000
CLAIMANT: HERRICK BROTHERS
STATUS: PD ISSUED
WATER SOURCE: SPRING, CAMP CREEK

**** PARTIES INVOLVED ****

HERRICK BROTHERS C PRO SE

**** ROA ENTRIES ****

08-28-1998 PARTIAL DECREE FILED

08-28-1998

[Return to SRBA Home Page](#)

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JUN 20 2001

RECEIVED

APR 30 2001

Department of Water Resources

WESTERN REGION TRANSFER ANALYSIS

Applicant DORSEY & FLORENCE HERRICK Family TRUST Transfer No. 68837
Reviewed by DAN Date 1-19-01

1. Right number(s) 65-03712

2. Type of right ☒ Decree ☐ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right ☒ Source ☒ Priority ☒ Amount
☒ Purpose ☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights for original P/D &/or P/U - NO SIGNIFICANT OVERLAP

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☐ Analysis memo - always include unless justify why not needed
- b. ☒ All of right
- c. ☐ Part of right - Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee - new fees effective July 1, 2000
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- yes- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. ☒ Overlapping rights for current & proposed scenarios

Current NO SIGNIFICANT OVERLAP

Proposed NO SIGNIFICANT OVERLAP

l. ☒ SRBA Claim(s) THIS RIGHT HAS BEEN CLAIMED
AND ~~IT~~ DECREE - THIS X-FER IS TO CORRECT DECREE

m. ☒ Comment letters ☒ Yes (also see #2 below) ☐ No

☒ Water District # 65
☒ Other IOANO FISH & GAME

PUBLICATION REVIEW

1. Legal Notice electronically sent to S.O. ☐ Yes

2. Comment Letters

Watermaster comments requested on 2-6-2001, received on 2-12-2001

Other comment letters: ☒ See attached information

3. Affidavit of publication received: ☒ Yes

4. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

5. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☒ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval STANDARD CONDITIONS
WATER MASTER CONTROLS

4. Recommended by Daniel A. Nelson Date 4-23-01

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ☐ Yes

2. File forwarded to S.O. by _____ Date _____

SUPPLEMENTAL ANALYSIS SHEET FOR TRANSFER

Transfer No. 68837 Word Filename AWOGCOMMON/TALOR/HEARRICK
Legal Notice

COPY FOR WATER RIGHT AND ADJUDICATION FILES

Yes Legal Notice

Yes Transfer Analysis Sheet (Form 222a)

Yes Transfer Application – assume entire application with attachments to be *copied except as noted* below (*always* copy ownership information); identify by letter/number attachments that are not to be copied:

Yes Reviewer's analysis memo: list *date of memo* _____

____ List other items to be copied:

AVOID COPYING – excess computer reports, excess attachments unless show ownership or other clarifying information, easements & other agreements, oversized documents and so forth.

REGIONAL COPIES TO BE MADE JUST BEFORE FORWARD FILE TO S.O.

DISCARD THIS FORM BEFORE FORWARDING THE FILE.

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON *DAN*
DATE: 4/23/2001

**RE: DORSEY AND BLORENCE HERRICK FAMILY TRUST TRANSFER,
RIGHTS 65-03712**

The transfer proposes to change the diversion point to the NWNESE and the place of use to NESW to correct incorrectly filed Snake River Basin Adjudication Decree.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 6 pages and 2 attachments. Note the location of the following application items:

Attach. A – Proof of ownership documentation (A1 through A7)

Attach. B – Additional proof of ownership documentation (B1 through A9)

Application prepared by applicant with assistance from their attorney Matt Howard.

Other information used in this review Information Search results of Point of Diversion and Place of Use search all attached to this memo.

NARRATIVE

Water right 65-03712 was decreed in the Snake River Basin Adjudication (SRBS) on 8/28/1998. Unfortunately, the place of use and the point of diversion were incorrectly described in the SRBA recommendation and the decree. The applicants did realize that the legal description was incorrect until after the partial decree had been issued. Therefore, they have filed this transfer to correct the legal description. Since this water right was decreed 3 years ago, forfeiture and pre-1987 use is not an issue. From my overlap review it seems obvious that there was just an error in the legal description for the partial decree. No expansion has been requested and I can not find anything that would stand in the way of the approval of this application.

RECOMENDATIONS

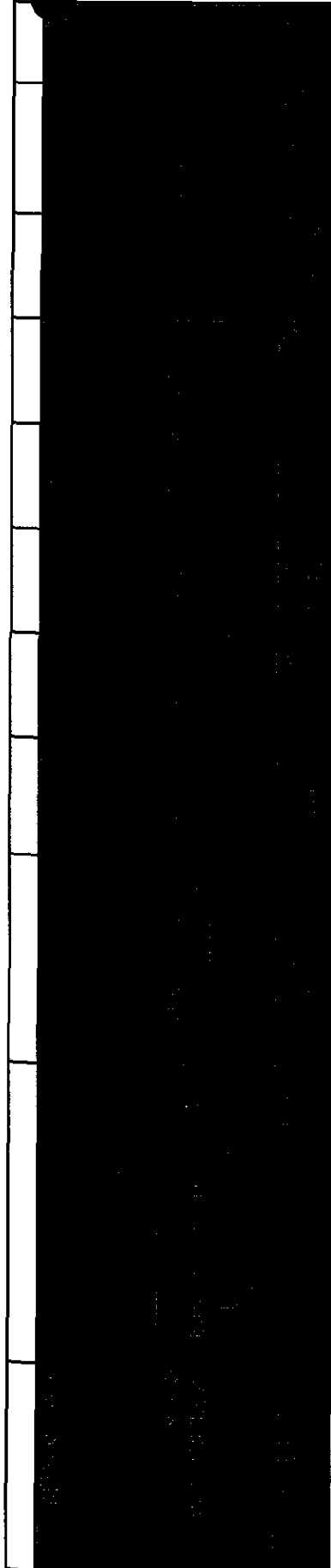
This transfer should be approved as listed on the application.

MICROFILMED
JUN 20 2001

Idaho Dept. of Water Resources
Place of Use Comparison Report[illegible]

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JUN 20 2001

T12N R4E S8 NWSE



MICROFILMED
JUN 20 2001

T12N R4E S8 NESE

Basin Num Sequence Split Suff Basin

Status

Priority Dz Diversion Source Li Water Use

NO RESULTS FOUND

MICROFILMED

1998 2 13 2001

Affidavit of Publication

STATE OF IDAHO COUNTY OF VALLEY

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of The Long Valley Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The Long Valley Advocate, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began 2/11, 2001, and ended 2/18, 2001.

Robin M Simpson

Robin M. Simpson

Signed this the 27 day of March, 2001.

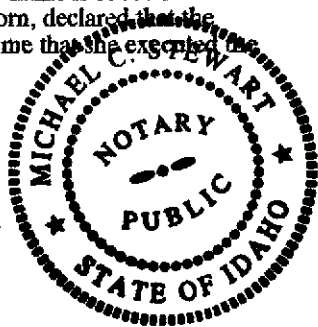
STATE OF IDAHO)
COUNTY OF VALLEY)

MICROFILMED

:SS. JUN 20 2001

On this the 27th day of March, 2001, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is subscribed to the within Instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Michael C. Stewart
Notary Public State of Idaho
Residing at Cascade
Commission Expires: 10/30/2004



**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

TRANSFER NO 68837

DORSEY AND FLORENCE HERRICK
FAMILY TRUST, 10588 HWY 55 CAS-
CADE, ID 83611, has filed Application
No. 68837 for changes to the following

water rights in T12N R04E S8, VALLEY
county:

Right No. 65-3712

Priority 1/1/1921

Source SPRING

Use DOMESTIC (0 acres) 0.07 CFS 4.1

AFA

STOCKWATER (0 acres)

Total Amount. 0.13 CFS 5.9 AFA

Point(s) of Diversion NWSE

Place of Use NWSE

The purpose of the transfer is to change a
portion of the above rights as follows: is
to change the diversion point to the
NWNESE and the place of use to NESW
to correct incorrectly filed Snake River
Basin Adjudication Decree.

Any protest against the proposed change
must be filed in the Department of Water
Resources, Western Region, 2735 Airport
Wy, Boise ID 83705 together with a protest
fee of \$25.00 for each application on or
before February 20, 2001. The protestant
must also send a copy of the protest to the
applicant.

KARL J. DREHER, Director
Publish on February 8, 2001.

34

2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

1/19/2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MATT HOWARD ATTORNEY AT LAW
2402 WEST JEFFERSON
BOISE ID 83702

RE: MAP FOR APPLICATION FOR TRANSFER

Dear Mr. Howard:

Enclosed is the scanned copy of the map for the Dorsey and Florence Herrick Family Trust transfer. We spoke about this in our telephone conversation on 1/19/2001. I am hoping that I can get this transfer into the next advertising round. This will be dependent on the database allowing me to data enter it.

Thank you for your time and patience and if you have anymore questions please don't hesitate to contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

JAN 24 2001

Nelson, Dan

From: Allen, Debbie
Sent: Tuesday, January 09, 2001 2:53 PM
To: Nelson, Dan
Subject: RECEIPT # W027087

Receipt # W027087 has been changed and a refund of \$75 will be processed in a day or two.
Thanks,
DA

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JUN 20 2001



References

[System Help](#)

[Contact Help](#)

[Data](#)

[Document](#)

[Management](#)

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[Administration](#)

[Tools](#)

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Water District #

Water Application ID

Area of Special Admin

Review Water Uses

Comment Review

Analysis Notes

Review of Comments

Author

Text

Subj

Date

Add

Edit

Remove Selected

Author	Subject	Date
dnelson	General Comments/An...	1/19/01 3:05:1

This application is to correct the legal descriptions for the place of use and point of diversion that was incorrectly described in the Snake River Basin Adjudication. There does not seem to be any problems with the approval of this transfer.

Save

Hide References

Next Step

Previous Steps

Select Type of Application

Application Checklist

Application Data Entry

Document ID 546



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2001

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Transfer No. 68837 in the Name of Herrick Family Trust

Dear Watermaster:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form

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JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2001

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Transfer No. 68837 in the Name of Herrick Family Trust

Dear Sir:

Enclosed is a copy of the above referenced application for transfer, which may be of interest to your agency. The proposed use of this application is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 26, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl. Copy of Application

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FEB 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

01/25/2001

Legal Notice Department

Long Valley Advocate

PO Box 1079

Cascade ID 83611

RE: Transfer No. 68837

Water Right No(s). 65-3712

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before . Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue', is written over the typed name 'Sue Taylor'.

Sue Taylor
Senior Secretary

MICROFILMED

JUN 20 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 68837

DORSEY AND FLORENCE HERRICK FAMILY TRUST, 10568 HWY 55 CASCADE
ID 83611, has filed Application No. 68837 for changes to the following water rights in
T12N R04E S8, VALLEY County:

Right No. 65-3712

Priority 1/1/1921

Source SPRING

Use DOMESTIC (0 acres) 0.07 CFS 4.1 AFA
STOCKWATER (0 acres)

Total Amount 0.13 CFS 5.9 AFA

Point(s) of Diversion NWSE

Place of Use NWSE

The purpose of the transfer is to change a portion of the above rights as follows:

Is to change the diversion point to the NWNESE and the place of use to NESW to
correct incorrectly filed Snake River Basin Adjudication Decree.

Any protest against the proposed change must be filed with the Department of Water
Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest
fee of \$25.00 for each application on or before February 20, 2001. The protestant
must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on February 1 and 8, 2001.

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JUN 20 2001